

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

September 8, 2004

The meeting was called to order at 4:05 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Paul Nixon, Jack Matheson, and Terri Mills

ABSENT: Karen Lang, Mario Cisneros

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Kevin Hooper, Steve Lehman, Steve Pastorik, Ron Weibel, Jody Knapp, and Karon Jensen

WEST VALLEY ADMINISTRATIVE STAFF:

Joseph Moore, CED Director
Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 15 people were in the audience.

GPZ-2-2004

Tydon Oler

4846 West 4100 South

General Plan change from Medium Density Residential and Office to Neighborhood Commercial

Zone change from R-1-4 and R-1-8 to C-1 on 1.42 Acres

Mr. Joseph Moore presented the application.

Mr. Tydon Oler is requesting a change in the General Plan from medium density residential and office to neighborhood commercial for three parcels totaling 1.42 acres located at 4846 West 4100 South. Mr. Oler is also requesting a rezone for one of the three parcels from R-1-4 (single family residential, minimum lot size 4,000 square feet) and R-1-8 (single family residential, minimum lot size 8,000 square feet) to C-1 (neighborhood commercial). All three parcels have single-family homes on them.

The C-1 zone has a maximum district size of 7 acres. If this rezone request were approved, the C-1 district at this intersection would be approximately 8.6 acres in size. However, the applicant recently received approval for a variance to the maximum C-1 district size to allow the district size to be increased to include the subject parcel proposed for rezoning.

Attached to this analysis is a page with three zoning maps. The top map shows zoning from 1980. As seen in this map, the zoning for a large portion of the northwest corner of 4800 West and 4100 South was C-1. The current zoning for this corner, which is shown in the middle map, has changed significantly. The bottom map shows the requested zone change. As seen in this map, this change would be closer to the zoning in place in 1980.

Also attached to this report is a letter from Mr. Oler which lists the reasons from his perspective for the General Plan and zone change. At the bottom of page one Mr. Oler states, "WVC exceeded the recommended district size by rezoning 4761 W 4100 S to C-1. As a point of clarification, the rezone referenced here involved a shift in zoning boundaries without increasing the size of the zone. The following list is a summary of the points listed in Mr. Oler's letter:

- The property proposed for rezoning is adjacent to C-1 zoning on three sides.
- The property is adjacent to an existing credit union and a 24-hour convenience store.
- Heavy traffic exists on 4100 South and 4800 West.
- The existing homes are in disrepair. To this point, no one has invested money to improve them since they are adjacent to commercial uses and located on busy streets.
- The rezone would allow a new commercial use to be built that would cleanup the existing properties.

If the rezoning is approved, the applicant would like to develop two strip commercial buildings in an “L” shape pattern. Care should be taken during the conditional use process to address buffering between the existing residential and the future commercial.

Applicant:

**Tydon Oler
4846 West 4100 South**

Favored:

**David Coats
West Valley**

Favored:

**Jeff Hall
4068 S. 4800 W.**

Concerned:

**William Hitchcock
4857 W. Cottage Brook Cir.**

Concerned:

**Sandy Brigman
4426 Jaden Cove**

Discussion: The applicant, Mr. Tydon Oler provided documents to the Commission and gave a description of the property in question, as well as property he currently lives on and property he is planning on purchasing. He informed that he has been negotiating with the existing Credit Union, and showed the Commission a letter from Utah Central Credit Union confirming their support of this application. Mr. Oler reminded the Commission that this property is almost totally bordered by commercial zoning, suggesting there should not be an impact to residential property. He believes the 20-foot buffer zone between the Cottages at Westbrook will fit easily. Mr. Oler assured they would comply with staff’s recommendations regarding fencing. He discussed how he has been dealing with residential and business owners in this area. Commercial Matheson asked the applicant why commercial is being chosen rather than residential business. Mr. Oler replied there are many vacant office spaces, and this location would be difficult for residential business. Commissioner Mills inquired if future property sales fail, would this project continue to survive. Mr. Oler assured it would continue as planned. David Coats informed the Commission of the location of a nearby LDS church property and it’s zoning. He supports the applicant with this general plan and zone change application. Mr. Coats believes this is a neighborhood residential friendly area with smaller shops for residents. Mr. Jeff Hall is a property owner north of the Credit Union, and he is in favor of this application. He perceived this area is in major disrepair and dilapidated, in need of a face-lift. Mr. Hall thinks something economically feasible should be placed on this property. Mr. William Hitchcock represents the Cottages at Westbrook, and stated he and the other citizens at this hearing had a few questions. He noted they are living to the north of this property, and believes the applicant should have discussed his plans for development with residents of the Cottages at Westbrook. Mr. Hitchcock was concerned that lights may shine in his bedroom window in the evening, as well as possible noise from the commercial businesses. He had questions about fencing around the commercial business, and was concerned about the value of his property. Chairman Woodruff asked Joseph to talk about the City’s ordinance regarding noise and lights. Joseph Moore mentioned light fixtures must be placed that do not shine onto surrounding properties. He

said the six-foot masonry wall around the commercial businesses should help restrict noise and light from cars. Mr. Moore explained there will also be landscaping between the wall and buildings that becomes a buffer for nearby residential. He assured the applicant is willing to extend the wall to the end of Mr. Hickcock's property. Mr. Oler apologized for not contacting the residents at the Cottages at Westbrook, and assured fencing could be placed next to the existing fence, so the fence line would be on the developer's property. He noted they are restricted in the type of use and hours for the businesses on this property. Chairman Woodruff asked if restrictions could be made on how late the business could be open, such as 8:00 p.m. Mr. Oler believes that may be too restrictive, as the nearby gas station is open nightly until 11:30 p.m. He did not see this as a fast food area, but possibly a Subway and similar smaller shops. Commissioner Matheson asked if the uses would come back to the Planning Commission for conditional use approval. Joseph Moore answered that the majority of uses in this zone are conditional, but a use such as a bank, beauty salon or daycare would be permitted uses. Ms. Sandy Brigman informed the Commission that her mother lives at 4869 Cottage Brook Circle. She had a question about the zoning, and wanted to verify that this application is for a 'C-1' zoning. Ms. Brigman said she was not happy with the type of shops near Western Garden or other shops in strip malls. She had a concern about the rezoning of property for the Baptist church. Chairman Woodruff explained that the Baptist church would need to apply for a rezone if they so wish. Ms. Brigman discussed the buffer zone and required landscaping. Mr. William Hitchcock asked what this development might do to his property value. Joseph Moore replied that the applicant's observations are that the current establishments have become somewhat derelict and could be more detrimental to the area than a new center may be. Commissioner Matheson requested the lighting for this development be of a pedestrian scale, rather than large overhead lights. He proposed two-inch caliper trees be placed in the landscaping zone every 30-feet. Commissioner Matheson had concerns about the masonry fence, and dealing with an additional property owner. Joseph Moore suggested these issues be handled during the conditional use application. He assured that even if tenants are not established, the shopping center must go through the approval process. Commissioner Nixon explained if a business meets all the City's requirements and codes, it's difficult not to allow them to locate where they are allowed.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval for the General Plan change to neighborhood commercial, and the zone change to 'C-1', subject to the resolution of any issues raised at the public hearing.

Seconded by Commissioner Matheson.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - GPZ-2-2004 - approved

S-25-2004

Cyprus Woodbury Subdivision

3540 West 4700 South

R-1-8 Zone Approx. 2.4 Acres

2 Lots

Mr. Joseph Moore presented the application.

BACKGROUND

Cyprus Credit Union is requesting preliminary and final plat approval for a minor subdivision in an R-1-8 zone at approximately 3540 West 4700 South. This is the northeast corner of the intersection of 3600 West and 4700 South. The properties to the north and to the east are zoned single family residential. The northwest corner of the intersection is zoned C-1 (neighborhood commercial) and RB (residential business) and the south side of 4700 South, which is in Taylorsville, is a mix of residential and business uses.

ISSUES

This subdivision is being proposed to create a lot for Cyprus Credit Union to build a facility on the corner of 3600 West and 4700 South. They would use approximately 1.25 acres and the remaining parcel would be approximately 1.08 acres. The applicants are in the process of requesting a zone change for the property to RB (residential business) to accommodate uses such as professional offices and financial institutions. The subdivision would meet the requirements for either zone and approval would not be dependent on the

zone change.

An access easement on 4700 South shared by both lots will need to be recorded on the plat. Because of the proximity to the intersection of 3600 West and 4700 South and the heavy traffic on 4700 South it is felt by staff and West Valley City Public Works that the two lots should share an access onto this street. Cross-access agreements so that Lot 2 can access 3600 West through Lot 1 should also be recorded on the plat. If it is necessary for Lot 2 to get utilities from 3600 West then a utility easement adequate to accommodate this needs to be recorded on the plat as well.

Future uses for these two lots will be reviewed at a later date as part of either the permitted or conditional use process. If the zone is changed to RB the uses allowed in that zone are generally professional offices, financial institutions, etc. These uses have much less impact on surrounding properties than commercial and retail uses, but the effects of site lighting and traffic will be considered in the reviews. Lighting will have to be installed so as not to negatively impact adjacent residences, and a six foot high concrete or masonry wall will have to be installed on the property line adjacent to all residential uses.

All affected department and agencies requirements will have to be met.

Applicant:
Mr. Steve Fifield, Cyprus Credit Union
7842 South Peak Drive
West Jordan

Favored:
Aline Monson
3515 West 4650 South

Discussion: Ms. Alene Monson said she lives near this property, but informed that her mother is the seller of the property. She wanted to make a clarification regarding the cross-access easements, making sure there will be utilities available for both parcels of property. Ms. Monson said that after speaking with Cyprus Credit Union, she understands utility access would be available from 4700 South. She also stated the plat should note an easement allowing access to 3600 West.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the preliminary and final plat for the Cyprus-Woodbury Subdivision subject to the resolution of any issues raised at the public hearing, including cross access easements, and the applicant meeting all requirements and conditions of any affected department or agency.

Seconded by Commissioner Fuller

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - S-25-2004 - approved

SV-3-2004

5600 West - Partial Street Vacation

4651 South 5600 West

Mr. Joseph Moore presented the application.

BACKGROUND

This item was continued from the July 14, 2004 meeting in order for staff to further evaluate the necessity of vacating the recommended 13 feet in the 5600 West right-of-way. Subsequent to that meeting, staff discussed the vacation with UDOT and received a letter in favor of the vacation. This letter has been attached for the Planning Commission=s review.

West Valley City is requesting a street vacation for the easterly 13 feet of 5600 West at approximately 4651 South. The street vacation is adjacent to lot 1 of the Wasatch Plantation Subdivision. The proposed vacation would affect only that portion of 5600 West that was previously dedicated at the 132-foot right-of-way.

Over the years, numerous discussions have taken place regarding the traffic potential of 5600 West. As a result of these discussions, portions of this roadway were dedicated at a 132-foot right-of-way. When the original Wasatch Plantation Subdivision was recorded in 1995, a 66-foot half width was provided to the City. However, as traffic patterns developed in the area and in conjunction with existing and proposed development along this corridor, UDOT has made a decision that a 106-foot right-of-way would be sufficient to handle the traffic volumes.

Due to a recent application to amend lot 1 of the Wasatch Plantation Subdivision, the City believes the easterly 13 feet of 5600 West along the frontage of lot 1 should be vacated. The applicant proposing the amended plat will coordinate all improvements with West Valley City and with UDOT.

According to City Ordinance, streets and/or alley vacations shall be reviewed by the Planning Commission with a recommendation to the City Council.

There being no discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval of the street vacation.

Seconded by Commissioner Mills

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - SV-3-2004 - approved

C-33-2004

**A-1 International Auto Sales
2551 South 2570 West
M Zone – Manufacturing**

Mr. Joseph Moore presented the application.

West Valley City's General Plan recommends light industrial land uses.

Introduction:

This conditional use is a request for a new automobile service and sales facility within an

existing building. The M zone requires all automotive sales and service to be reviewed as conditional uses.

Issues:

- This is an existing building that is currently occupied by Coast Crane. There are vacancies in the remainder of the building and this proposal is to occupy a small portion of the vacant building.
- Attached is a letter from the applicants indicating the way in which they will operate their business. Essentially they will be purchasing vehicles from the auction and other sources. If needed they will perform light bodywork and parts exchange. They will also display for sale between 3-5 vehicles from this site. Building codes and Fire codes will control how the body shop activities will be operated. They have indicated no painting will occur at this site.
- There are over 60 parking spaces next to the vacant portions of the building. Parking is not seen as an issue if it is limited as requested.

Discussion: Commissioner Matheson suggested this would be a good use for the area.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for approval of the conditional use for A-1 International Auto Sales subject to meeting the requirements of all affected departments and agencies, as well as the limiting the business as described in the staff's analysis. This includes a maximum of five vehicles to be displayed for sale, and no vehicle painting to occur on the premises.

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - C-33-2004 - approved

C-34-2004

Mike Peterson

Chevron Gas Station Addition and Remodel

3984 West 3500 South

C-2 Zone (.49 acres)

Mr. Joseph Moore presented the application.

The applicant, Mike Peterson, is requesting a conditional use amendment for a building addition and façade remodel. The zoning for this area is C-2 and the West Valley City General Plan anticipates general commercial and medium density residential for this area. The surrounding uses are all commercial.

The proposal is to add an additional 293 square feet of retail and walk-in cooler space to the building (987 square feet existing). They will also be adding an additional customer entrance with a new signage/entry feature and changing the brick wainscot to a cultured stone veneer.

Some additional landscaping will be added along the northern end of the property, to meet West Valley City standards.

Lastly, there was recently a change of ownership at this location and because of this change nonconforming signs must be brought in to compliance. Pole signs are not allowed on properties with less than 10 acres, therefore the two pole signs on the property must be removed. The applicant is planning on replacing these two pole signs with monument signs, which comply with the West Valley City Sign Ordinance, during the construction for the proposed remodel.

Applicant:

Kurt Mather, Architect

357 E. 1200 S.

Discussion: Commissioner Matheson asked if the landscaping for this business was ever completed, as it seems the applicant is adding landscaping with this application. Jody Knapp noted there is a small strip of landscaping being installed along the north side of the property. She explained this may not have been part of the original approval, as this center is old. Jody stated the new City ordinances would require this additional landscaping. Mr. Kurt Mather informed that the landscaping in question is part of an existing island in which the previous owner must have filled with concrete. The applicant now plans on jackhammering out the concrete to plant landscaping, to become in compliance with the City's ordinance.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the conditional use for the Chevron convenience Store subject to the resolution of any concerns raised at the public hearing and meeting the requirements of all affected departments and agencies, as well as the following:

1. The landscaping must be completed as per the approved site plan.
2. The pole signs on the property must be removed and may be replaced with monument signs that comply with the West Valley City Sign standards. A building permit is required for this change.

Seconded by Commissioner Mills

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - C-34-2004 - approved

C-35-2004
Amy's School of Dance
Amy Camacho
3132 S. Tolin Dr.
Home Dance Studio
R-1-8 Zone (.26 acres)

Mr. Joseph Moore presented the application.

The applicant, Amy Camacho, is requesting a major home occupation as a conditional use for a home dance studio. The zoning for this area is R-1-8 and major home occupations are a conditional use in this zone. The West Valley City General Plan anticipates low density residential for this area. Surprise

The classes are for children 3-16 years old, and there may be an adult class in the future. There will be no more than 6 students per session. Classes will be held no more than 3 times a day or a total of 12 per week with at least a 20 minute break in between sessions.

The area to be used for the dance studio is located in the lower living room of the home. The area dedicated to the dance studio will not occupy more than 25% of the area of any one floor.

Parking is typically a concern with home occupations, however, the driveway and additional RV hard surfaced space for the home provides plenty of off street parking and drop off space for this use.

Applicant:

**Amy Camacho
3132 South Tolin Street**

Discussion: Ms. Amy Camacho explained that at her dance studio she would teach jazz, ballet, tumbling, hip-hop, and possibly some adult classes, ages 3 to adult. Chairman Woodruff asked about the time in-between the classes, and limiting the number of classes held per week. Ms. Camacho agreed to the increased time between classes and limiting the number of classes per week. Commissioner Mills mentioned her concern that the children should be walked up to the door when attending the class to reduce any risk of vehicle/pedestrian accidents.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval of the conditional use for Amy's School of Dance, a dance studio subject to the resolution of any concerns raised at the public hearing and meeting the requirements of all affected departments and agencies, as well as the following:

1. Drop off and parking areas are to be on the driveway and may not be on the street.
2. No more than 3 sessions per day or 12 classes per week.

3. There must be at least a 20-minute break between classes to help eliminate traffic congestion in the neighborhood.
4. Subject to review upon valid complaint.

Seconded by Commissioner Mills.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - C-35-2004 - approved

C-36-2004

Costa Azul Restaurant

3318 S. Decker Lake Dr.

C-2 Zone – General Commercial

Mr. Kevin Hooper presented the application.

West Valley City's General Plan recommends general commercial land uses.

Introduction:

This conditional use is a request to review the addition of a new restaurant building. The existing former Amici's Restaurant is also located on this parcel. The proposal is for a new 3000 square restaurant.

Issues:

- The original Amici's Restaurant was approved by the Planning Commission in October 1999. At that time the Planning Commission was reviewing all uses as required in the Overlay Zone found in Chapter 22 of the Zoning Ordinance. The addition of a new restaurant will need Planning Commission approval under the criteria found in the Commercial C-2 zone, new Commercial Design Standards and the Overlay Zone requirements. This pad is located next to the south side of the E-Center parking lot and east of the Crystal Inn hotel.
- The overall revised site plan has 103 parking spaces. The minimum number of parking spaces required by ordinance based on the two restaurant buildings is 112 spaces. If the Shared Parking provisions of Sec. 7-9-106 are applied there could be adequate parking, but a permanent recorded cross parking easement must be secured with an adjoining property such as Crystal Inn. The applicant should be aware that cross access and parking provisions need to be in place in order to qualify for shared parking. A revised site plan showing better circulation and pick up window parking has been submitted. This arrangement still provides a tight circulation pattern on the south side of the new building.
- Pedestrian access is now evaluated as outlined in the Commercial Design Standards ordinance recently enacted. Staff has suggested a walkway between this project and the Crystal Inn permitting pedestrian access between buildings. This is important if a shared cross parking agreement is established. A new walkway and outside patio has been provided along the northeastern side of the new restaurant.
- Landscaping has been designated in compliance to the C-2 zone and landscaping ordinance standards. There is 21.8 % of the site designated for landscaping where a minimum of 15% is required. The site has existing landscaping and street sidewalk provided with the original restaurant.
- The newly adopted Commercial Design Standards addresses the quality and architectural design of new commercial buildings. Currently the colored building perspective is inadequate to evaluate the compliance with the Commercial Design Ordinance. The architect should be providing color material information and building elevations prior to the Planning Commission meeting. Section 7-22-103 requires "a minimum of 50 percent of the building's materials must be compatible with the approved uses." Staff interprets this to mean that similar materials and colors are required. In previous buildings there has been a request for a green metal roof as one of the compatible materials.
- Signage plans have not been submitted. The existing monument style sign on the site and would be converted to advertise Costa Azul. A new monument sign is proposed next to the existing restaurant. This monument sign should be designed with similar materials as the building and comply with the sign ordinance regarding size and location.

- The new Commercial Design ordinance would require one bike rack to be located on this project.

Applicant:

Joseph Cunningham
4139 South Colt Court

Favored:

Brent Thompson
3963 S. Verna Cir.

Concern:

Sixto Martinez
3356 W. 4700 S.

Discussion: Mr. Joe Cunningham purchased the existing Amici's and decided to split the lot. He has signed a letter of intent with Ruby Tuesday's for the Amici's building, and a letter for the Costa Azul Restaurant on the adjacent piece of property. Mr. Cunningham said the property needed to be split with two restaurants to make the businesses financially secure. He acknowledged parking continues to be an issue, assuring they would comply with the City's requirements. Mr. Cunningham indicated the building would be all stucco with awnings and trellises, and he gave information regarding the colors for the building. He explained the large size of the Amici's building includes an oversized kitchen and huge walk-in coolers, suggesting there should be less parking stalls required, such as 50 or 60 parking spaces. Mr. Cunningham assured he spoke to Crystal Inn for a cross- easement agreement, but said he has not received an answer back from them. He believes the restaurant parking would work without the cross-easement agreement. Mr. Cunningham does not think this restaurant would need as much parking space as was planned for Amici's. Commissioner Matheson asked if the applicant plans to create an additional access through Crystal Inn's back parking area to the Costa Azul Restaurant, and was told yes. Kevin Hooper explained that parking requirements are determined on the size of the building or number of seating, which ever is greater. Commissioner Nixon questioned the colors of the building and how many people Costa Azul would seat. Joe Cunningham corrected that the Amici's would require less parking than planned for, allowing extra parking spaces to be shared with Costa Azul. Mr. Brent Thompson informed that the restaurant would have approximately 25 tables, seating four people at each table, equaling approximately 100 people. Commissioner Nixon asked how many employees would work at the restaurant. Mr. Thompson answered there would be minimal staff, similar to Café' Rio's system. Joe Cunningham believes the building's colors could possibly be changed, but assured the building would look similar to the Puck and Applebee's on Decker Lake Rd. Mr. Thompson said the Corporate office would like the exterior look of the building to stay the same, but possibly the shades of colors could be altered. Commissioner Matheson reminded that other buildings in this area have hunter green on them. Commissioner Nixon asked how much room would be designated for selling merchandise, and was told approximately 8'X10'. Commissioner Matheson believes the restaurant would work, but is concerned about the parking issue. Joe Cunningham replied that this building would have one-third of the seating of surrounding restaurants. Commissioner Matheson asked how the applicant will keep people from the E-Center from parking at the restaurant. Joe Cunningham answered that parking assistants would be posted at the access prior to events at the E-Center, similar to

the way other businesses in that area handle that situation. Commissioner Mills inquired of the outdoor dining. Joe Cunningham showed where tables would be placed, noting it would be in compliance to the City's ordinance. Mr. Thompson believes much of the business for this restaurant would come from the nearby hotels, and those customers would walk, not drive vehicles. He also believes customers from the Hale Centre Theater and E-Center may walk to the restaurant. Mr. Thompson indicated approximately 20% of their business will be 'to-go' business, with customers going in and out very quickly. He noted the general seat time is approximately 25-minutes, much quicker than nearby restaurants. Joe Cunningham said he would agree with approval subject to specific requirements regarding building materials and colors. He did not want approval contingent upon Crystal Inn's agreement for a cross-easement agreement. Joe Cunningham suggested they are only short nine parking spaces during peak time due to parking required for the walk-in coolers and extra large kitchen for Amici's. Commissioner Matheson asked if staff has reviewed traffic stacking and general circulation in that area. Kevin Hooper stated this has been looked at in general terms, and staff is concerned about how close parking is next to the south end of the new building. He agrees that an additional access at the Crystal Inn would benefit both businesses from a circulation standpoint, but thinks the parking requirements should be considered. Chairman Woodruff reminded that the parking ordinance cannot be ignored. Commissioner Matheson noted that provisions could be made with shared parking. Kevin acknowledged this, but noted shared parking requires permanent cross-parking, cross-access easement, and is recorded. Joe Cunningham believes adjustments could be made with landscaping to increase available parking spaces, but it may change the interior circulation for the parking lot. Chairman Woodruff suggested a continuance may be needed to allow time for Crystal Inn to respond to the request for shared-access, and allow the applicant to submit adjusted elevations. Mr. Sixto Martinez was concerned regarding a previous subdivision application, #S-25-2004, but he did not have an opportunity to discuss it at the time it was heard. He was concerned a lot was being created between his properties. Kevin Hooper explained that there was difficulty with the address, and he assured there will not be a created lot. He noted it refers to a vacant lot on the corner of 3600 West 4700 South.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Nixon moved for a continuance to allow submission and review of the required architectural plans, providing a cross parking agreement, site plan revisions noted, and to research any issue or concern raised at the public hearing.

Seconded by Commissioner Fuller.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - C-36-2004 - continued

PLANNING COMMISSION BUSINESS

Approval of minutes from August 25, 2004 (Regular Meeting)

Approval of minutes from September 1, 2004 (Study Session)

Approved

There being no further business, the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant